

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

IN RE:)
)
BENGAL FIVE, LLC,) No. 1:23-bk-12861-NWW
) Chapter 11
Debtor.)

NOTICE OF APPEARANCE AND REQUEST FOR NOTICES

Gearhiser, Peters, Elliott & Cannon, PLLC on behalf of SimplyBank. (hereinafter "SimplyBank"), a secured creditor in the above-styled case, hereby files this Notice of Appearance and Request for Notices for the above-named party in interest, and pursuant to 11 U.S.C. § 1109(b) and Rules 2002 and 9010(b) of the Federal Rules of Bankruptcy Procedure hereby requests that all notices given or required to be given in this case, and all papers served or required to be served in this case, be given to and served upon:

Wade K. Cannon, Esq.
Gearhiser, Peters, Elliott & Cannon, PLLC
320 McCallie Avenue
Chattanooga, Tennessee 37402
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Take further notice that pursuant to Rules 2002 and 9007 of the Federal Rules of Bankruptcy Procedure, the foregoing request includes not only the notice and papers referred to in the Rules specified above, but all other notices and papers, including, but not limited to: notices of any application, notice petition, pleadings, requests, complaint or demand, whether formal or informal, whether written or oral, and whether transmitted or conveyed by mail, courier service, hand delivery, telephone, telegraph, telex or otherwise (1) that affects or seeks to affect, in any way, the rights or interests of any party in interest in this case with respect to (i) the

Debtor, (ii) property in which the Debtor might claim an interest or the proceeds thereof, and (iii) property or proceeds thereof in possession, custody or control of the Debtor or others that the Debtor might seek to use; or (2) that requires, or seeks to require an act, delivery of any property, payment, or other conduct from the Debtor.

It is SimplyBank's intent that neither this Notice of Appearance and Request for Notices nor any later appearance, pleading, claim or suit shall waive (1) SimplyBank's right to have final orders in noncore proceedings entered only after de novo review by the District Court, (2) SimplyBank's right to trial by jury in any proceeding so triable in this case or any case, controversy, or proceeding related to this case, (3) SimplyBank's right to have the District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal, or (4) any other rights, claims, actions, defenses, setoffs, or recoupment to which SimplyBank is or may be entitled under agreements, in law or in equity, all of which rights, claims, actions, defenses, setoffs, and recoupments SimplyBank expressly reserves.

Respectfully submitted this 8th day of December, 2023.

GEARHISER, PETERS, ELLIOTT
& CANNON, PLLC

By:/s/Wade K. Cannon
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Attorneys for SimplyBank.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Appearance and Request for Notices was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served via First Class United States Mail with postage sufficient to deliver to its intended destination.

David J. Fulton, Esq.
Scarborough & Fulton
620 Lindsay Street
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Chattanooga, Tennessee 37403
Attorney for Debtor

David Holesinger, Esq.
Office of the United States Trustee
Historic U.S. Courthouse
31 East 11th Street, 4th Floor
Chattanooga, Tennessee 37402
Attorney for the U.S. Trustee

U.S. Trustee
Historic U.S. Courthouse
31 East 11th Street, 4th Floor
Chattanooga, Tennessee 37402

This the 8th day of December, 2023.

By: /s/Wade K. Cannon
BPR No. 012022